



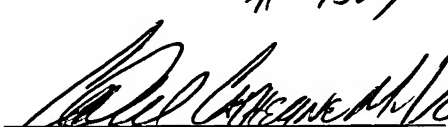

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) H0001983-5708 (BSKB: 2929-0467PUS1)	
	Application Number 10/027,988-Conf. #2358	Filed December 20, 2001	
	First Named Inventor Martin J. MEDINA et al.		
	Art Unit 3628	Examiner R. Wu	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,439</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p style="text-align: right;"><i>#57327</i>  Signature  D. Richard Anderson Typed or printed name <u>(703) 205-8035</u> Telephone number <u>April 2, 2007</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: H0001983-5708
BSKB:2929-0467PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Martin J. MEDINA et al.

Application No.: 10/027,988

Confirmation No.: 2358

Filed: December 20, 2001

Art Unit: 3628

For: COMPUTERIZED METHOD FOR ONLINE
QUOTING AND PRICING OF TASKS

Examiner: R. Wu

ARGUMENTS IN SUPPORT OF REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal.

The review is being requested for the reasons set forth on the attached four (4) Sheets.

The Examiner has made clear errors by failing to consider all of the arguments of record. The Examiner further has made clear errors in interpreting and applying the appropriate tests and applying the prior art in rejecting claims 1-6, 8, 9, 11, 12 and 14-17 under 35 U.S.C. § 103(a) as being unpatentable over *Posner* (U.S. Patent Application Publication No. 2003/0208435) in view of *Elliott* (USP6,446,053); and rejecting claims 7, 10 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Posner* in view of *Elliott* and further in view of *Moulinet et al.* (U.S. Patent Application Publication No. 2001/0032172).

The Examiner Fails to Properly Consider All the Arguments of Record

The Examiner has made a clear error in failing to properly consider all of Applicants' arguments on the record.

In Applicants' replies filed August 18, 2006, Applicants argued that there was no teaching or suggestion in the cited references, either alone or in combination, directed to "searching a resource database storing resource data relating to available resources using a search template to identify and select the available resources suitable for completing the project defined by the statement of work; processing data relating to selected resources and project data of the statement of work to generate the price quote and prepare the project proposal; and preparing an evaluation summary report of the project proposal, detailing the project data and selected resource data of selected available resources for review and approval by the provider of goods or services," as recited in claim 1.

Manual of Patent Examination and Procedure, §707.07(f) indicates that where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take of the applicant's argument and answer the substance of it.

In the final Official Action on page 3, starting at line 3, the Examiner asserts as follows:

Elliott discloses a database storing information of general contractors or individual contractors that the user can search through and submit RFP for the general contractor or individual subcontractors to bid on and then the user can compare the different prices submitted by different contractors. The Examiner notes here that contractors are part of the necessary resources that is needed to complete a project, without the contractors the project would never be accomplished. Therefore, Elliott

discloses searching by the user in a resources database for available resources and selects the available resources suitable for completing the projected defined by the statement of work.

In Applicants' reply filed January 31, 2007, Applicants repeated their argument and specifically requested the Examiner respond to Applicants' arguments. In the Advisory Action issued March 6, 2007, the Examiner merely responds "[t] arguments presented by the applicant have been fully considered by are not persuasive. The arguments do not place the claims in condition for allowance."

Applicants respectfully submit that the Examiner's comments fail to address the Applicants arguments that the cited references fail to teach or suggest "searching a resource database storing resource data relating to available resources using a search template to identify and select the available resources suitable for completing the project defined by the statement of work; processing data relating to selected resources and project data of the statement of work to generate the price quote and prepare the project proposal; and preparing an evaluation summary report of the project proposal, detailing the project data and selected resource data of selected available resources for review and approval by the provider of goods or services."

As the Examiner has failed to address Applicants' arguments of record, Applicants respectfully request prosecution be reopened, should the outstanding rejections be maintained, and the Examiner properly respond to Applicants' arguments of record.

**The Examiner has Failed to Establish Prima Facie Obviousness
by Failing to Provide References that Teach or Suggest All of the Claim Elements**

Even assuming, *arguendo*, that the Examiner's assertions were true, the combination of the teachings of the cited references would still fail to teach processing the data relating to selected resources and project data of the statement of work to generate the price quote and prepare the project proposal. The Examiner has failed to address this argument in the outstanding final Official Action.

Claim 1 clearly recites, *inter alia*, a method comprising searching a resource database storing resource data relating to available resources using a search template to identify and select the available resources suitable for completing the project defined by the statement of work;

processing data relating to selected resources and project data of the statement of work to generate the price quote and prepare the project proposal; and preparing an evaluation summary report of the project proposal, detailing the project data and selected resource data of selected available resources for review and approval by the provider of goods or services.

Elliott merely teaches a contractor database that enabled a user to merely search the database for the name of contractors in the designated location. The contractor information or location is not processed. The user must submit an RFP to the general contractor or the individual subcontractor in order to obtain detailed information in response to the RFP. The detailed information in response to the RFP is not stored in the contractor database, and the contractor information and location is not processed to generate the price quote and prepare the project proposal.

As such, Applicants maintain that, even when combined as suggested by the Examiner, the resultant system would still fail to teach or suggest the resource data and processing data relating to selected resources and project data of the statement of work to generate the price quote and prepare the project proposal. Based upon this deficiency in the teaching of the cited references, Applicants maintain that the Examiner has failed to establish *prima facie* obviousness by failing to provide references that teach or suggest all of the claim elements.

It is respectfully submitted that claims 2-14 and 16 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that newly added claims 15 and 17 include elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 2, 2007

Respectfully submitted,

By 

D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants